

Out of Hours

Does torture work?

Donald Trump and the CIA

President Trump says that 'torture works'^{1,2}. His office has released a draft order³ stating an intention to make 'modifications and additions' to the policies the US employs for the '... safe, lawful, and effective interrogation of enemy combatants captured in the fight against radical Islamism'.

This not only worries human rights groups, but it also suggests that he has taken no account of the US Senate Select Committee on Intelligence's Study of the CIA's detention and interrogation activity from 2001–2009,⁴ on which he must surely have been briefed. This report concluded (as did the CIA) that torturing prisoners was not an effective means of obtaining intelligence or cooperation. It describes Orwellian 'enhanced interrogation' techniques including slapping, walling, stress positioning, cramped confinement, sleep deprivation, confinement with insects, waterboarding, sexual humiliation, forcible high-volume IV injections, extreme temperatures, and the rectal infusion of puréed food. These methods have since been defined as torture by the European Court of Human Rights.⁵

Interrogation by torture relies on an assumption that fear, stress, and pain 'break' suspects into delivering useful information. It's a view replayed in film and TV, where torture is a chilling plot device driving dramatic revelation of truth, and where the end justifies the means. Yet, aside from the overpowering moral, ethical, and legal arguments against it, does torture work?

Shane O'Mara, Professor of Experimental Brain Research at Trinity College, Dublin, reviews available evidence on torture, interrogation, and brain function under stress.⁶ Torture may get people to do things they don't want to do, but this does not mean it extracts real information. He cites extensive evidence that stress, fear, and pain undermine the brain's executive functions, including recall and cognition, making memory fallible, and pushing individuals into confabulation that they may actually believe. Memories are not recorded chronologically; they are fragile, subject to revision and loss with time, suggestion, and new information. Memory reconstructs; it does not reproduce.

O'Mara describes evidence that punitive behaviour encourages lies, not truth. Truth requires cooperation, which does not result from aversive therapy and violation of social norms. Stress modifies pain perception.⁷ The experience of pain is unpredictable and

"Torture makes confession more likely, but such confessions are unreliable ..."

non-linear. Pain management is a learned technique, and individuals withstand pain to a far greater degree than they, or interrogators, anticipate. He suggests, chillingly, that there is probably no technique for creating pain that will induce a well-prepared individual to reveal information before going into shock or a dissociative state. Torture makes confession more likely, but such confessions are unreliable: false confessions are easy to elicit.⁸ Men tortured in Turkey in 2013 describe giving interrogators random names to make it stop. Those named were also arrested, and tortured for more names.⁹

FOUNDED ON THE FICTION OF 24

O'Mara suggests that people are more likely to reveal genuine memory if actively listened to, as people are wired to want to describe motivation and experience. He refers to police interviews in which most suspects talked¹⁰ and describes questioning strategies that increase truthfulness, such as developing rapport, asking about events in reverse order, adding irrelevant questions, and maintaining eye contact. He calls for appropriate training of interrogators, based on evidence as well as ethics. Law enforcers may not feel like being nice to suspects, but, if doing so yields useful information and does not compromise their morality, it surely makes sense. His book ends with discussion of the enduring psychological toll of torture on torturers themselves.

The CIA's enhanced interrogation programme was, by its own admission, ineffective, morally catastrophic, and founded on fiction. CIA operatives admitted they based their approach on Jack Bauer, a character in *24* for whom torture generally saves the day. The Senate report is dark but essential reading for a president claiming moral authority in the 'war against terror'.⁴ Wanting something to be true doesn't make it so. As O'Mara says, using torture to obtain information is the equivalent of evolving a cure for leukaemia out of your own inner consciousness. Mr Trump should take note.

ADDRESS FOR CORRESPONDENCE

Mary Lowth

E-mail: drmarylowth@gmail.com

Mary Lowth,

London-based medicolegal/forensic doctor assessing possible victims of torture, volunteer for Physicians for Human Rights, and a clinical author for EMIS on patient.info.

DOI: <https://doi.org/10.3399/bjgp17X689701>

REFERENCES

1. Jacobs B. Donald Trump on waterboarding: 'Even if it doesn't work they deserve it'. *Guardian* 2015; **25 Nov**: <https://www.theguardian.com/us-news/2015/nov/24/donald-trump-on-waterboarding-even-if-it-doesnt-work-they-deserve-it> (accessed 6 Feb 2017).
2. Johnson J. Trump says 'torture works,' backs waterboarding and 'much worse'. *Washington Post* 2016; **17 Feb**: https://www.washingtonpost.com/politics/trump-says-torture-works-backs-waterboarding-and-much-worse/2016/02/17/4c9277be-d59c-11e5-b195-2e29a4e13425_story.html?utm_term=.c6563142ec83 (accessed 6 Feb 2017).
3. Executive order — detention and interrogation of enemy combatants. Explanatory statement. <https://assets.documentcloud.org/documents/3412672/Trump-draft-executive-order-on-detention-and.pdf>. Released by the *Washington Post*, 25 Jan 2017 (accessed 6 Feb 2017).
4. Senate Select Committee on Intelligence, Feinstein D. *The official Senate report on CIA torture: committee study of the Central Intelligence Agency's detention and interrogation program*. New York, NY: Skyhorse Publishing, 2015.
5. European Court of Human Rights. *Former fourth section: case of Husayn (Abu Zubaydah) v Poland*. [Application no. 7511/13] judgement. Strasbourg 24 July 2014. FINAL. 16/02/2015. Treatment to which the applicant was subjected at the relevant time. Paragraph 511. <http://hudoc.echr.coe.int/eng/?i=001-146047> (accessed 7 Feb 2017).
6. O'Mara S. *Why torture doesn't work. The neuroscience of interrogation*. Cambridge, MA: Harvard University Press, 2015.
7. Ahmad AH, Zakaria R. Pain in times of stress. *Malays J Med Sci* 2015; **22(Spec Issue)**: 52–61.
8. Leo RA. False confessions: causes, consequences, and implications. *J Am Acad Psychiatry Law* 2009; **37(3)**: 332–343.
9. Human Rights Watch. *Submission to the United Nations Committee Against Torture on Turkey*. 2016. http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/TUR/INT_CAT_CSS_TUR_23640_E.pdf (accessed 6 Feb 2017).
10. Moston S, Engelberg T. Police questioning techniques in tape-recorded interviews with criminal suspects: *Policing and Society* **6**: 61–75.